

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

AMERICAN TRIM, L.L.C.)	CASE NO. 3: 99CV7265
)	JUDGE JAMES G. CARR
<i>Plaintiff,</i>)	DEFENDANT ORACLE
)	CORPORATION'S MOTION FOR
v.)	PARTIAL SUMMARY JUDGMENT
ORACLE CORPORATION)	
<i>Defendant.</i>)	

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant Oracle Corporation hereby moves for partial summary judgment on certain of the claims in Plaintiff American Trim, L.L.C.'s Complaint.

For the reasons set forth in the attached Brief in Support of Defendant Oracle Corporation's Motion for Partial Summary Judgment and attached Exhibits, which are fully incorporated herein, Oracle is entitled to summary judgment on the following Counts of the Complaint: I (breach of contract), II (breach of express warranties), III (breach of implied warranties), V (fraudulent inducement), and certain damages sought in the Complaint.

Respectfully submitted,

Walter J. Rekstis, III (0020877)
James D. Thomas (0039424)
Harris A. Senturia (0062480)
SQUIRE, SANDERS & DEMPSEY L.L.P.
4900 Key Tower
127 Public Square
Cleveland, Ohio 44144-1304
(216) 479-8500

Of Counsel:

Dorian Daley, Esq. (CA 129049)
Oracle Corporation
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94065
(650) 506-0060

Attorneys for Defendant
Oracle Corporation

CERTIFICATE OF SERVICE

Copies of the foregoing Defendant Oracle Corporation's Motion for Partial Summary Judgment and accompanying Brief in Support was served by overnight mail this _____ day of February, 2001, on Attorneys for Plaintiff James E. Burke, Steven C. Coffaro, E. Todd Wilkowski, Keating, Muething & Klekamp, P.L.L., 1400 Provident Tower, One East Fourth Street, Cincinnati, Ohio 45202; and by U.S. mail on Attorney for Plaintiff Jeffrey S. Creamer, Shumaker, Loop & Kendrick, LLP, North Courthouse Square, 1000 Jackson Street, Toledo, Ohio 43624.

One of the Attorneys for Defendant
Oracle Corporation